

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 306 OF 2020

**Sneha N.
Chavan**

Kabir Maruti Adsule
V/s.

..Applicant

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Sneha N. Chavan
Date: 2020.10.06
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The State of Maharashtra

..Respondent

Mr. Kuldeep Patil a/w Ms. Saili Dhuru for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

**DATE : 5th October, 2020
(Through Video Conference)**

P.C.

1. This application is placed before this Bench as the regular Bench (Coram : Sandeep K. Shinde, J) is unable to take up the application.

2. The Applicant (accused No.3), along with co-accused is facing prosecution for the offence punishable under Section 302, 201, 467, 468, 470, 471, 472 read with Section 34 of I.P.C.

3. The deceased Gajanan Chaudhary was addicted to liquor and was kept in a rehabilitation center run by Dr. Nilesh Doke, who is

accused No.1. Gajanan died in suspicious circumstances on 25.02.2018 and on the basis of a FIR lodged by Kalpana, who is sister of deceased, an offence came to be registered with NRI Sagari Police Station, Dist. Raigad against Dr. Nilesh Doke, one Eknath Pandit and the present Applicant and upon completion of the investigation a chargesheet is filed.

4. It is undisputed that the present Applicant and accused No.2 Eknath Pandit were working as attendants in the rehabilitation center of Dr. Nilesh Doke.

5. The learned Sessions Judge by an order dated 13.12.2019 has refused to release the Applicant on bail.

6. I have heard Mr. Patil, learned Counsel for the Applicant and Mr. Dedhia, learned Additional Public Prosecutor for the Respondent/State. Perused record.

7. The learned Counsel for the Applicant has sought parity with accused No.2 Eknath Pandit, who has been released on bail by this Court (Coram : Sarang V. Kotwal, J) vide order dated 17.07.2019 in Criminal Bail Application No. 831 of 2019. It is submitted that the

present Applicant being an attendant is similarly situated with co-accused Eknath Pandit. It is pointed out that the main role is attributed to accused Dr. Nilesh Doke, in whose custody the deceased was.

8. The learned APP in all fairness did not dispute that the role attributed to the present applicant is similar, to one attributed to accused No.2 Eknath Pandit.

9. With the assistance of the learned Counsel for the parties, I have gone through the chargesheet and the connected documents and it indeed appears that, the Applicant as well as co-accused Eknath Pandit both are attached to the rehabilitation center of Dr. Nilesh Doke as attendants and their role, if any, is similar. In such circumstances, the Applicant would be entitled to parity with co-accused Eknath Pandit.

10. Hence, the following order:

ORDER

i) The Applicant be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall undertake to remain present before the learned Sessions Judge, during the course of trial.

iii) The Applicant shall not directly or indirectly tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

v) Bail bonds to be furnished before the learned Sessions Judge.

vi) Criminal bail application is disposed of in the aforesaid terms.

C.V. BHADANG, J.